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Counsel to Save Mart Supermarkets

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE: ) Chapter 11  
          ) Case No. 08-35653 (KRH)  
CIRCUIT CITY STORES, INC., et al., )  
          ) Jointly Administered  
Debtors. )

**RESPONSE OF SAVE MART SUPERMARKETS  
TO LIQUIDATING TRUST'S NINTH OMNIBUS OBJECTION TO LANDLORD  
CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID CLAIMS,  
RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS, DISALLOWANCE  
OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF CERTAIN LATE FILED  
CLAIMS, DISALLOWANCE OF CERTAIN DUPLICATE CLAIMS, AND  
DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

Comes now Save Mart Supermarkets, a previous landlord of the Debtor, Circuit City Stores, Inc. and for its response to the Liquidating Trustee's Ninth Omnibus Objection to Landlord Claims, Docket Number 10047 states as follows:

1. The Claimant's Name is Save Mart Supermarkets ("Save Mart"), which was previously a Landlord for a Circuit City Store located in Visalia, California. The Lease between Save Mart and Circuit City is dated May 13, 1992.
2. On June 17, 2009 Save Mart filed an Administrative Proof of Claim designated as Claim Number 13418 in the amount of \$8,618.71, which included the claim for post-petition late changes and attorneys fees.

3. The Trustee has suggested that this claim is a general unsecured claim and objected to this claim on the basis that the post-petition claim of \$8,618.71 is not supported by the Debtor's books and records.

4. The person with personal knowledge of the relevant facts supporting the response is Cheryl L. Miller, Stockdale Property Management, Inc., 5001 California Avenue, Suite 100, Bakersfield, CA 93309, Telephone No. (661) 323-7830.

5. The Bankruptcy Court should overrule the objections to this claim because the charges and fees incurred which are objected to are valid expenses incurred by the Debtor subsequent to the filing of the Bankruptcy Petition. These items are post-petition, administrative items, not general unsecured claims. The claims for late charges and attorney's fees were incurred and required to be paid by Circuit City under its Lease with Save Mart. Save Mart intends to introduce documentation to support its claim through its Lease and statements of the attorneys' fees incurred in connection with this matter. The Debtor is obligated to pay these sums pursuant to 11 U.S.C. §365(d)(3). See also, In re Trak Auto Corporation, 277 B. R. 655 (Bkrcty. E.D. Va. 2002)

6. The claimants address, telephone number, fax number and the claimant's attorney to whom the attorneys for the Debtor should serve a reply to the response are as follows:

Save Mart Supermarkets  
c/o Stockdale Property Management, Inc.  
5001 California Avenue, Suite 100  
Bakersfield, CA 93309-1607  
(661) 323-7830

Attorney: Paul S. Bliley, Jr.

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8. The name, address, telephone number and fax number of the party to reconcile, settle or otherwise resolve the objection on the claimant's behalf is the attorney set forth above.

Dated: April 7, 2011 SAVE MART SUPERMARKETS

By /s/ Paul S. Bliley, Jr.  
Of Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of April, 2011, I caused a copy of the foregoing to be served by electronic means on the "2002" and "Core" lists and through the ECF system.

/s/ Paul S. Bliley, Jr.  
Paul S. Bliley, Jr.